

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Krishnan Ghosh)	
)	
Plaintiff,)	CASE NO. 24-cv-01144-DSD-ECW
)	
vs.)	Hon. David S. Doty
)	
Abbott Laboratories, Inc.)	
)	
Defendant.)	

DEFENDANT ABBOTT LABORATORIES, INC.’S MOTION TO DISMISS

Under Federal Rule of Civil Procedure 12(b)(6), Defendant Abbott Laboratories, Inc. (“Abbott”), respectfully requests that this Court dismiss Plaintiff’s complaint in its entirety with prejudice. In support of this Motion, Defendant submits its accompanying Memorandum and other supporting papers, and states:

1. Plaintiff claims that his employment was terminated in violation of the Minnesota Whistleblower Act (“MWA”), Minn. Stat. § 181.931. However, Plaintiff is not an “employee” as defined by the MWA, and therefore cannot bring a claim under that statute.

2. Because Plaintiff cannot bring a claim under the MWA, his Complaint fails to state a claim upon which relief can be granted and should be dismissed. And because this is Plaintiff’s third attempt to plead a MWA claim against Abbott, the dismissal should be with prejudice.

WHEREFORE, Abbott Laboratories, Inc. respectfully requests the Court dismiss Plaintiff’s Complaint with prejudice for the reasons stated above and more fully in its

accompanying Memorandum.

Dated: April 25, 2024

Respectfully submitted,

/s/ Nick Kahlon

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